

REMARKS

1. In response to the Office Action mailed April 23, 2009, Applicants respectfully request reconsideration. Claims 1, 2, 5, 7-11 and 13-29 were last presented for examination. In the outstanding Office Action, claims 1, 2, 5, 7-11 and 13-29 were rejected. By the foregoing Amendments, claims 1, 2, 9 and 24 have been amended. No claims have been added and claim 8 has been cancelled. No new matter has been added. Upon entry of this paper, claims 1, 2, 5, 7, 9-11 and 13-29 will be pending in this application. Of these twenty-four (24) claims, two (2) claims (claims 1 and 24) are independent.

2. Based upon the above Amendment and following Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

Art of Record

3. Applicants acknowledge receipt of form PTO-892 listing additional references identified by the Examiner.

Claim Rejections under §112

4. Claims 1-2, 5, 7-11, and 13-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that, “with regard to claims 1 and 24, the applicant uses the term ‘concurrently’. There is no such term in the original disclosure.” (See, Office Action, pg. 2.) Applicants respectfully disagree for at least the following reasons.

5. Applicants’ independent claim 1 recites, in part, “A testing *apparatus for concurrently testing components* of a medical device comprising a transmitter coil... at least one testing circuit communicably coupled to said plurality of testing stations and *configured to concurrently apply a test* to each of said first and second components and to measure a response of each of said first and second components to said test.” (See, Applicants’ independent claim 1, as amended above; emphasis added.) And, Applicants’ independent claim 24 recites, in part, “[a] method of *concurrently testing components* of a medical device, comprising a transmitter

coil, using a testing apparatus having a plurality of testing stations comprising a coil testing station configured to test said transmitter coil, comprising... ***concurrently performing a test on said first and second components.***” (See, Applicants’ independent claim 24, as amended above; emphasis added.)

6. As set forth in §2163(I) of the M.P.E.P., “To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention.” (See, M.P.E.P., §2163(I).)

7. In the originally filed Specification, Applicants described one particular embodiment of the invention as follows:

The socket voltage driver 43 activates the sockets and allows the ***testing of both the coils and cables*** to be undertaken by providing each socket with the required voltage as dictated by the microcontroller 41... The series of sockets 46 ***allow the coils and/or cables to be connected to the test unit*** such that their operation can be tested. Under direction from circuit 43, the sockets can be activated and the ***coil and/or cable tested***... The series of LEDs 35 provide indicators visible to the tester regarding whether the cables and/or coils being tested meet the requirements. This could include ***one LED representing a PASS***, or a series of LEDs representing a PASS and/or a FAIL... In order to test the operation of a particular transmitter coil, the ***coil is placed on the transmitter coil test station 34***... A cable is then connected from the transmitter coil to a provided socket... ***Once the coil and cable are in place***, the microcontroller 41 can be activated... If the ***coil/cable combination*** plugged into the device is correctly functioning, the circuit will resonate.” (See, Specification as originally filed, page 13, line 1 through page 14, line 4; emphasis added; FIGS. 4 and 5.)

8. As highlighted above, in an embodiment, the testing apparatus tests “both” the cable and the coil, and indicates that the coil/cable combination passes using a single LED. As described in the highlighted portion, a coil is first positioned on the testing apparatus, followed by the cable. “Once the coil and cable are in place” they are tested. Thus, in this embodiment described, the cable and the coil are tested together – in other words, “concurrently”.

9. Applicants further note that the originally filed Specification states, “Figure 5 shows a circuit for testing the compliance of a cable only, according to another embodiment of the present invention.” (See, Specification as originally filed, page 15, lines 17-19.) One skilled in

the art would reasonably conclude that the other embodiments described above this portion of the Specification referred to those embodiments in which both the cable and transmitter coil components were being tested together or concurrently, while this portion of the Specification was describing an embodiment testing the “cable only”.

10. Accordingly, Applicants assert that an apparatus and method for testing the components “concurrently” is supported by the originally filed Specification “in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention” as explained in the MPEP section noted above. Therefore, Applicants respectfully request reconsideration and withdrawal of these rejections of independent claims 1 and 24.

Claim Rejections under §102 – Hayhurst

11. Claims 1, 5, 7, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,477,152 to Hayhurst. Applicants respectfully traverse these rejections for at least the following reasons.

12. Hayhurst is directed to a device for testing the continuity of conductors in a cable or other components. (*See*, Hayhurst, col. 2, ll. 15-24.) The testing device “accomplishes the foregoing... [by] automatically test[ing] cables upon electrical coupling of the [testing] device and a cable. The device is electrically coupled via connectors to the ends of the cable. At least three different types of connector pairs may be provided so as to accommodate varying cable ends.” (*See*, Hayhurst, col. 2, ll. 25-32.) The testing device is said to check “current flow path” of a conductor in a cable plugged at respective ends into connectors 14. If there is no discontinuity in the conductor, an LED 2 lights. (*See*, Hayhurst, col. 3, ll. 54-61.) The shield of a cable is also tested to ensure there is no short circuit between the conductor and the shield. If there is a short circuit between the conductor and shield, an LED 6 will light on. (*See*, Hayhurst, col. 3, ln 65 – col. 4, ln. 3.)

13. Hayhurst, however, does not disclose “***concurrently testing components*** of a medical device ***comprising a transmitter coil***, the testing apparatus comprising a plurality of testing stations... at least one testing circuit communicably coupled to said plurality of testing stations and configured to ***concurrently apply a test to each of said first and second components*** and to

measure a response of each of said first and second components to said test” as recited in Applicants’ independent claim 1.

14. First, Hayhurst fails to teach or suggest concurrently testing components. Rather, Hayhurst only describes testing one cable at a time. Second, Hayhurst describes checking the continuity of conductors in a cable, and does not teach or suggest testing a medical device comprising “transmitter coils.” Third, although pass /fail determinations are made, using LEDs to indicate a pass or fail determination, Hayhurst fails to teach or suggest measuring a response from the components being tested.

15. As such, Applicants respectfully submit that for at least the above-discussed reasons, Hayhurst fails to anticipate or render obvious the combination of elements of Applicants’ amended independent claim 1. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 1.

16. Applicants’ amended independent claim 24 recites, in part, “[a] method of concurrently testing components of a medical device, comprising a transmitter coil, using a testing apparatus having a plurality of testing stations comprising a coil testing station configured to test said transmitter coil, comprising... concurrently performing a test on said first and second components.” (See, Applicants’ independent claim 24, as amended above.) Applicants’ therefore respectfully submit that independent claim 24 is not anticipated by Hayhurst for at least similar reasons to those noted above with regard to Applicants’ claim 1. As Hayhurst fails to anticipate claims 1 and 24, as amended above, Applicants respectfully request that these rejections be reconsidered and that they be withdrawn.

Claim Rejections under §102 – Strangio

17. Claims 1, 5, 7, 15-21, 25 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,280,251 to Strangio. Applicants respectfully traverse these rejections for at least the following reasons.

18. Strangio is directed to “a multi-conductor cable tester and continuity analysis system having two groups of connector sockets wherein each group of connector sockets includes a plurality of different connector sockets designed to mate with the connector ends of the *cable*

under test.” (See, Strangio, Abstract.) As described in Strangio, a “cable-under-test” is connected to the cable tester, which is itself connected “as a peripheral to a computer such as a personal computer.” (See, Strangio, col. 1, ll. 54-59.) The “cable-under-test” is tested and the measurements therefrom are compared to “pre-stored reference cable data and a variety of determinations thereby made.” (See, Strangio, col. 1, ln. 67 – col. 2, ln. 3.) Strangio describes only testing one cable or component at a time.

19. Applicants’ independent claim 1, as amended above, recites in part, “[a] testing apparatus for *concurrently testing* components of a *medical device comprising a transmitter coil*, the testing apparatus comprising a plurality of testing stations... and at least one testing circuit communicably coupled to said plurality of testing stations and *configured to concurrently apply a test to each of said first and second components* and to *measure a response of each* of said first and second components to said test.” (See, Applicants’ independent claim 1, as amended above; emphasis added.)

20. As with Hayhurst, Strangio similarly fails to anticipate Applicants’ independent claim 1. First, Strangio fails to teach or suggest concurrently testing components. Rather, Strangio only describes testing one cable at a time, the “cable-under-test”, and comparing the results against cable data on a computer to which the testing device is connected. (See, Strangio, col. 1, ln. 67 – col. 2, ln. 3.) Second, Strangio describes checking the cables and its plurality of conductors housed therein, and not a medical device comprising “transmitter coils.”

21. As such, Applicants respectfully submit that for at least the reasons noted above, Strangio fails to anticipate or render obvious the combination of elements of Applicants’ amended independent claim 1. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 1.

22. Applicant’s independent claim 24, as amended above, recites in part, “A method of concurrently *testing components of a medical device* comprising a *transmitter coil*... [comprising] *concurrently performing a test on* said first and second components.” (See, Applicants’ independent claim 1, as amended above; emphasis added.) For at least similar reasons to those noted immediately above with regard to independent claim 1, Applicants’ respectfully submit that amended independent claim 24 is likewise not anticipated or rendered

obvious by Strangio. Accordingly, Applicants respectfully request that these rejections be reconsidered and that they be withdrawn.

Dependent claims

23. The dependent claims incorporate all the subject matter of their respective independent claims and add additional subject matter which makes them independently patentable over the art of record. Accordingly, Applicants respectfully assert that the dependent claims are also allowable over the art of record.

Conclusion

24. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

25. Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application. Any cancellations and amendments of above claims, therefore, are not to be construed as an admission regarding the patentability of any claims and Applicants reserve the right to pursue such claims in a continuation or divisional application.

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